

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
against

JOHN FLETCHER NOTTINGHAM, M.D.
License No. A 21231
107 Lu Ray Drive
Los Gatos, California,

Respondent.

No. D-1215

OSF-9096

DECISION

The attached Proposed Decision of the Hearing Officer is
hereby adopted by the Board of Medical Examiners
as its Decision in the above-entitled matter.

This Decision shall become effective on November 16, 1970.

IT IS SO ORDERED October 13, 1970.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

BY: Paul J. Dugan
PAUL J. DUGAN, M.D.
Secretary-Treasurer

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation)	
against)	No. D-1215
)	
JOHN FLETCHER NOTTINGHAM, M.D.)	OSF-9096
License No. A 21231)	
107 Lu Ray Drive)	
Los Gatos, California,)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

The above-entitled matter came on regularly for hearing upon an Accusation, First Amended Accusation, and Amendment to First Amended Accusation, before Jerome P. Herst, Hearing Officer, Office of Administrative Procedure, at San Jose, California, on August 28, 1970. Present were John Fletcher Nottingham, M.D., respondent above-named, who was not otherwise represented, and Dennis M. Eagan, Deputy Attorney General, representing the Board of Medical Examiners of the State of California. Evidence both oral and documentary was introduced, the matter submitted, and the hearing closed. After due consideration, the Hearing Officer makes the following findings of fact:

I

Wallace W. Thompson was at the time of the making of said Accusations and now is the Executive Secretary of the Board of Medical Examiners of the State of California, and he did make the same in his official capacity as such and not otherwise.

II

On or about July 1, 1964, respondent John Fletcher Nottingham was issued license No. A 21231 by the Board of Medical Examiners,

authorizing him to practice medicine in the State of California. At all times material herein, said license was in full force and effect.

FIRST CAUSE FOR DISCIPLINARY ACTION

III

On numerous occasions from March 1968 through October 1969, and on or about May 15, 1970, respondent used and administered to himself, without a prescription, demerol, a narcotic.

SECOND CAUSE FOR DISCIPLINARY ACTION

IV

On November 24, 1969, respondent surrendered his federal narcotics tax stamp to Agent William Walker of the California Bureau of Narcotic Enforcement and agreed not to re-register under the Harrison Narcotic Act for a period of time prescribed by the California Board of Medical Examiners.

V

Respondent, while on the staff of Kaiser Foundation Hospital, Santa Clara, administered demerol, a narcotic, to the following patients, on the following dates, and in the following amounts:

<u>Date</u>	<u>Patient</u>	<u>Amount</u>
May 15, 1970	S [REDACTED] S [REDACTED]	25 mg.
May 15, 1970	G [REDACTED] P [REDACTED]	25 mg.
May 8, 1970	I [REDACTED] R [REDACTED]	25 mg.
May 8, 1970	G [REDACTED] P [REDACTED]	25 mg.
May 14, 1970	G [REDACTED] S [REDACTED]	50 mg.
May 6, 1970	J [REDACTED] R [REDACTED]	50 mg.
May 5, 1970	J [REDACTED] W [REDACTED]	25 mg.
April 30, 1970	J [REDACTED] R [REDACTED]	25 mg.
April 24, 1970	H [REDACTED] R [REDACTED]	50 mg.
April 22, 1970	C [REDACTED] C [REDACTED]	50 mg.

Respondent, while on the staff of Kaiser Foundation Hospital, Santa Clara, administered dilaudid, a narcotic, to the following patient, on the following date, and in the following amount:

<u>Date</u>	<u>Patient</u>	<u>Amount</u>
April 24, 1970	M [REDACTED] G [REDACTED]	1.25 mg.

THIRD CAUSE FOR DISCIPLINARY ACTION

VI

At approximately 3:10 p.m. on May 15, 1970, demerol, 50 milligrams, was ordered for patient G [REDACTED] P [REDACTED], who was at that time in the recovery room of Kaiser Foundation Hospital, Santa Clara. The demerol was obtained from recovery room stock by Dorothy Di Giacomo, R.N., placed in a syringe, and given to respondent for administration to patient G [REDACTED] P [REDACTED]. Respondent did not administer the contents of said syringe to the patient, but instead placed the syringe in his pocket. He then withdrew another syringe from his pocket, and administered the contents of this second syringe to the patient. Respondent then left the recovery room with the first syringe containing the demerol still in his pocket.

EVIDENCE IN MITIGATION

VII

(a) Respondent is an outstanding anesthesiologist. At the present time he is working as a special medical consultant and teacher at the Santa Clara Valley Medical Center, and expends from about 65 to 90 hours a week at said work. He does not expect his position at said Medical Center to continue after October 1, 1970, inasmuch as the Center had previously contracted with another physician for the positions respondent now occupies. Respondent will be handicapped by his inability to have restored to him his narcotic privileges, and will be limited to teaching, consulting, and emergency

work in the future without such privileges. He is greatly in debt due in part to his having borrowed large sums of money for equipment to set up his practice. He has a wife and a minor child who are dependent upon him for support.

(b) Respondent has not used any narcotics since May 15, 1970, and he has been seeing a psychiatrist once a week on a regular basis. His psychiatrist has been prescribing meprobamate and benadryl for respondent. Respondent first commenced using demerol to alleviate pain from dental work. Following this, he became depressed as a result of the death of his father and resumed taking demerol. From time to time he discontinued use of the same or decreased his use thereof and again was able to discontinue its use in June 1969. In July of that year he began private practice, and in August 1969 he again began taking demerol and noted that he had severe withdrawal symptoms. In September 1969 he began to taper the dosage and again by October 1969 he discontinued use of the drug. Subsequently on May 15, 1970, after several months of abstinence, respondent after having become emotionally upset upon the receipt of the accusation herein and having developed persistent headaches, insomnia, pain, and nausea and other symptoms including losing ten pounds in weight, again administered to himself demerol in the manner above referred to in Findings III and VI. Respondent has not used any narcotics since May 15, 1970, and intends to wholly refrain therefrom hereafter.

(c) Respondent realizes that he cannot expect to obtain his narcotic privileges again until after such period as the Board of Medical Examiners deems appropriate. Except for his use of said narcotics, his conduct has been exemplary and his professional qualifications are of the highest caliber.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determinations of the issues presented:

I

The facts hereinabove set forth with respect to the First Cause for Disciplinary Action in Finding III herein show that respondent engaged in conduct in violation of Health and Safety Code Section 11167, thus constituting unprofessional conduct within the meaning of Business and Professions Code Section 2391.5. Such conduct also constitutes unprofessional conduct within the meaning of Business and Professions Code Section 2390. Such unprofessional conduct is ground for disciplinary action against respondent pursuant to the provisions of Business and Professions Code Section 2361.

II

The facts hereinabove set forth with respect to the Second Cause for Disciplinary Action in Findings IV and V herein show that respondent engaged in conduct in violation of Section 11163.5 of the Health and Safety Code, constituting unprofessional conduct within the meaning of Section 2391.5 of the Business and Professions Code, and therefore constitutes grounds for disciplinary action against respondent pursuant to Section 2361 of the Business and Professions Code.

III

The facts hereinabove set forth with respect to said Third Cause for Disciplinary Action in Finding VI herein show that respondent engaged in conduct constituting obtaining a narcotic by fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code Section 11170, thus constitutes unprofessional conduct within the meaning of Section 2391.5 of the Business and Professions Code, and therefore constitutes grounds for dis-

ciplinary action against respondent pursuant to Section 2361 of the Business and Professions Code.

IV

The evidence in mitigation hereinabove set forth in Finding VII have been considered in determining the order herein.

* * * * *

WHEREFORE, the Hearing Officer proposes the following order:

1. That the license heretofore issued to John Fletcher Nottingham, M. D., respondent above-named, by the Board of Medical Examiners to practice as a physician and surgeon is hereby revoked; provided, however, execution of this order of revocation is hereby stayed and respondent placed on probation for a period of five (5) years upon the following terms and conditions:

(a) Respondent having surrendered his Federal Narcotic Permit and having agreed not to re-register under the Harrison Narcotic Act for a period of time prescribed by the California Board of Medical Examiners, shall not renew or attempt to renew the same without first securing written approval of said Board;

(b) Respondent shall report in person to the Board of Medical Examiners annually at its regular annual meeting held in San Francisco, California, beginning in the year 1971;

(c) Respondent shall obey all of the laws of the United States, of the State of California

and its political subdivisions, and all rules and regulations and laws pertaining to the practice of medicine and surgery in this State;

(d) Respondent shall completely abstain from the use of narcotics in any form, except when respondent is a bonafide patient of a licensed physician and surgeon and the same is lawfully prescribed for him.

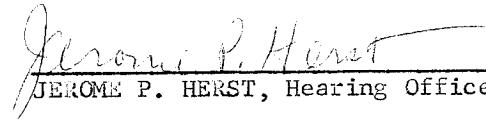
(e) Respondent shall file quarterly commencing January 1, 1971, an affidavit stating the facts as to whether respondent has fully complied with all the terms and conditions of probation herein.

2. That in the event respondent does not comply with the conditions of probation hereinabove set forth, and during the period of probation, the Board of Medical Examiners, after notice to respondent and opportunity to be heard, may terminate said probation effective immediately, or make such other order modifying or changing the terms of probation herein as it deems just and reasonable in its discretion. Otherwise, upon expiration of the period of probation, the stay of the order of revocation will become permanent and respondent's license fully restored.

3. That this Proposed Decision, if adopted by the Board of Medical Examiners of the State of California, shall be effective upon the date ordered by said Board.

I hereby certify that the foregoing constitutes my Proposed Decision in the above-entitled matter as the result of a hearing held before me at San Jose, California, on August 28, 1970, and I hereby recommend its adoption as the decision of the Board of Medical Examiners of the State of California.

DATED: September 10, 1970


JEROME P. HERST, Hearing Officer

OFFICE OF ADMIN. PROCEDURE CIVIL RIGHTS	6.
AGENCY	
FILE NO.	
DATE	8/23/70

THOMAS C. LYNCH, Attorney General
of the State of California
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Telephone: 557-3650

Attorneys for Board of Medical
Examiners, State of California

BEFORE THE BOARD OF MEDICAL EXAMINERS, STATE OF CALIFORNIA

In the Matter of the Accusation)

against
Fletcher
JOHN FRANCIS NOTTINGHAM, M.D.
License No. A 21231
107 Lu Ray Drive
Los Gatos, California

No. D-1215

FIRST AMENDED
ACCUSATION

Respondent.

WALLACE W. THOMPSON charges and alleges:

I

He is the Executive Secretary of the Board of
Medical Examiners of the State of California and makes the
charges and allegations in his official capacity and not
otherwise.

II

On or about July 1, 1964, respondent JOHN *Fletcher* FRANCIS
NOTTINGHAM was issued License No. A 21231 by the Board of
Medical Examiners, authorizing him to practice medicine in
the State of California. At all times material herein, said
license was in full force and effect.

FIRST CAUSE FOR DISCIPLINARY ACTION

III

On numerous occasions from March 1968 through Oct-

1 *and on or about May 15, 1970,*
2 ober 1969, respondent used and administered to himself,
3 without a prescription, demerol, a narcotic. Such conduct
4 is in violation of Health and Safety Code section 11167 and
5 thus constitutes unprofessional conduct within the meaning
6 of Business and Professions Code section 2391.5. Such con-
7 duct also constitutes unprofessional conduct within the
8 meaning of Business and Professions Code section 2390. Such
9 unprofessional conduct is ground for disciplinary action
10 against respondent pursuant to the provisions of Business
and Professions Code section 2361.

11 SECOND CAUSE FOR DISCIPLINARY ACTION

12
13 IV

14 On November 24, 1969, respondent surrendered his
15 federal narcotics tax stamp to Agent William Walker of the
16 California Bureau of Narcotic Enforcement and agreed not to
17 re-register under the Harrison Narcotic Act for a period of
18 time prescribed by the California Board of Medical Examiners.

19 V

20 Respondent, while on the staff of Kaiser Foundation
21 Hospital, Santa Clara, administered demerol, a narcotic, to
22 the following patients, on the following dates, and in the
23 following amounts:

24	<u>Date</u>	<u>Patient</u>	<u>Amount</u>
25	May 15, 1970	S [REDACTED] S [REDACTED]	25 mg.
26	May 15, 1970	G [REDACTED] P [REDACTED]	25 mg.
27	May 8, 1970	I [REDACTED] R [REDACTED]	25 mg.
28	May 8, 1970	G [REDACTED] P [REDACTED]	25 mg.
29	May 14, 1970	G [REDACTED] S [REDACTED]	50 mg.
30	May 6, 1970	J [REDACTED] R [REDACTED]	50 mg.
31	May 5, 1970	J [REDACTED] W [REDACTED]	25 mg.

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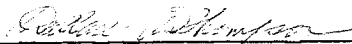
DAVID

<u>Date</u>	<u>Patient</u>	<u>Amount</u>
April 30, 1970	J [REDACTED] K [REDACTED]	25 mg.
April 24, 1970	M [REDACTED] G [REDACTED]	1.25 mg.
April 24, 1970	H [REDACTED] R [REDACTED]	50 mg.
April 22, 1970	C [REDACTED] C [REDACTED]	50 mg.

Such conduct is in violation of section 11163.5 of the Health and Safety Code, constitutes unprofessional conduct within the meaning of section 2391.5 of the Business and Professions Code, and therefore constitutes grounds for disciplinary action against respondent pursuant to section 2361 of the Business and Professions Code.

WHEREFORE, it is prayed that the Board of Medical Examiners revoke or suspend the license of respondent, or take such other disciplinary action as it may deem just and proper.

DATED: JULY 9, 1970


WALLACE W. THOMPSON, Executive Secretary, Board of Medical Examiners

DME:am
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Examiners, State of California

BEFORE THE BOARD OF MEDICAL EXAMINERS, STATE OF CALIFORNIA

In the Matter of the Accusation)
against)
JOHN FRANCIS NOTTINGHAM, M.D.)
License No. A 21231)
107 Lu Ray Drive)
Los Gatos, California)
Respondent.)

No. D-1215

AMENDMENT TO FIRST
AMENDED ACCUSATION

WALLACE W. THOMPSON charges and alleges:

The First Amended Accusation heretofore issued
herein is hereby amended as follows:

THIRD CAUSE FOR DISCIPLINARY ACTION

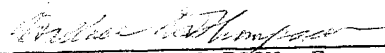
VI

At approximately 3:10 p.m. on May 15, 1970,
Demerol, 50 milligrams, was ordered for patient G [REDACTED] P [REDACTED],
who was at that time in the recovery room of Kaiser Founda-
tion Hospital, Santa Clara. The Demerol was obtained from
recovery room stock by Dorothy Di Giacomo, R.N., placed in a
syringe, and given to respondent for administration to pa-
tient G [REDACTED] P [REDACTED]. Respondent did not administer the con-
tents of said syringe to the patient, but instead placed the
syringe in his pocket. He then withdrew another syringe from
his pocket, and administered the contents of this second

1 syringe to the patient. Respondent then left the recovery
2 room with the first syringe containing the Demerol still in
3 his pocket. Such conduct constitutes obtaining a narcotic by
4 fraud, deceit, misrepresentation, or subterfuge, in violation
5 of Health and Safety Code section 11170, thus constitutes
6 unprofessional conduct within the meaning of section 2391.5
7 of the Business and Professions Code, and therefore consti-
8 tutes grounds for disciplinary action against respondent pur-
9 suant to section 2361 of the Business and Professions Code.

10 WHEREFORE, it is prayed that the Board of Medical
11 Examiners revoke or suspend the license of respondent, or
12 take such other disciplinary action as it may deem just and
13 proper.

14 DATED: AUGUST 27, 1970.

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16 
17 WALLACE W. THOMPSON, Executive Sec-
18 retary, Board of Medical Examiners
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